

III. REMARKS

Claims 1-23 remain in the application. Claims 8 and 19 have been amended.

Applicants appreciate the indication that claims 1-7, 16-18, 22 and 23 are allowed.

Applicants appreciate the indication that claims 9, 14, and 15 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.

Applicants respectfully submit that claims 8, 10-13, and 19-21, are not anticipated by Serikawa et al. (US 6,028,845, "Serikawa").

Serikawa fails to disclose test data, which is mapped exactly into two consecutive frames for the downlink, and then transmitted back encoded in one frame in the uplink.

Serikawa is silent about any synchronization problems, which are caused by a test data, which is mapped exactly into two consecutive frames, i.e., synchronization problems that occur when signalling data using a half-rate AMR (Adaptive Multirate) codec is sent in two frames in a downlink and then sent back in one frame in an uplink. The problems are further disclosed in the present application in paragraphs [0050] - [0052]. Thus, it is evident that one with ordinary skill in the art would not learn to solve the problems solved by the present invention by reading Serikawa.

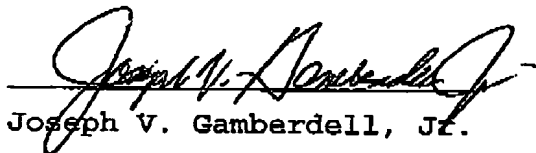
Serikawa also fails to disclose or suggest transmitting test data frames back to the testing apparatus encoded in one frame. Applicants find no disclosure in Serikawa related to this feature.

At least for these reasons, Applicants submit that independent claims 8 and 19 and dependent claims 10-13, 20 and 21 are not anticipated by Serikawa.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gambardell, Jr.

Reg. No. 44,695

22 August 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 the date indicated below, addressed to the Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 8/22/05

Signature: Margie Niss
Person Making Deposit